

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JERMAINE SPENCER,

Plaintiff,

v.

DONALD MORGAN, et al.,

Defendants.

Case No. 1:14-cv-696

Barrett, J.
Bowman, M.J.

REPORT AND RECOMMENDATION

On September 2, 2014, Plaintiff Jermaine Spencer, currently incarcerated at the Toledo Correctional Institution, filed a motion seeking leave to proceed *in forma pauperis* in a civil rights complaint against multiple defendants, in connection with an incident that occurred during his prior incarceration at SOCF. On April 20, 2015, Plaintiff filed a one-page motion to amend his complaint in which he indicates his desire to dismiss the following Defendants: Jill Jenkins, Carl Distel, Linnea Mahlman, and David Warren. (Doc. 32). Additionally, Plaintiff seeks to “make a correction in title for Defendant: Larry Green, from ‘Deputy Warden,’ to: ‘Warden’s Assistant.’” (*Id.*). Defendant’s Answer specifically denies that Defendant Green serves as Deputy Warden, and identifies him instead as the “Warden’s Administrative Assistant.” (Doc. 18).

No opposition having been received, **IT IS RECOMMENDED THAT:**

1. Plaintiff’s motion to amend his complaint (Doc. 32), as construed as a motion to dismiss should be GRANTED, with all claims against Defendants Jenkins, Distel, Mahlman, and Warren to be DISMISSED with prejudice from this case;

2. To the extent that Plaintiff seeks to alter the case caption to more properly identify Defendant Larry Green as “Warden’s Assistant” instead of “Deputy Warden,” Plaintiff’s motion also should be GRANTED, or alternatively, conditionally granted to the extent that Plaintiff seeks to amend to identify the referenced Defendant as the “Warden’s Administrative Assistant” consistent with that Defendant’s Answer to the Complaint. (Doc. 18).

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JERMAINE SPENCER,

Plaintiff,

v.

DONALD MORGAN, et al.,

Defendants.

Case No. 1:14-cv-696

Barrett, J.
Bowman, M.J.

NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN (14) DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).